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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,179	02/14/2002	Arthur M. Shand	00573	7280
39262	7590	11/22/2005		
BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
			EXAMINER VO, HIEN XUAN	
			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,179

Applicant(s)

SHAND, ARTHUR M.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al. (U.S. Patent No. 6,418,346).

With respect to claims 1, 21, Nelson et al. disclose apparatus and method for remote therapy and diagnostic in medical devices via interface system including a housing (see e.g. Fig. 5, item 20'); a processor located within the housing (see e.g. Fig. 4, item 110), wherein the processor includes: a microbrowser module configured for communicating with an external source of information (see e.g. col. 7, lines 26-29); and a diagnostic module configured for analyzing information received from the external source of information (see e.g. col. 2, lines 40-45); an input device located on the housing and coupled to the processor (see e.g. col. 12, lines 14-18); and a display screen located on the housing and coupled to the processor (see e.g. Figs. 3A and col. 12, lines 19-37).

With respect to claims 2-6, Nelson et al. disclose the invention as claimed including the external source of information includes a WAP network (see e.g. Fig. 6B

Art Unit: 2863

and col. 3, lines 19-21), the WAP network includes a mobile communication network, and a data network configured for communication with the mobile communication network and the Internet (see e.g. col. 7, lines 45-56), the mobile communication network includes a device selected from the group of devices consisting of a base substation, a mobile switching center, an interworking function, and a remote access server (see e.g. Fig. 5), the data network includes a device selected from the group of devices consisting of an Internet protocol router, a remote access dial-in user services server, a WAP server, an authentication server, and a domain name Server (see e.g. col. 10, lines 1-16), the external source of information includes a server connected to the Internet (see e.g. col. 7, lines 26-29).

With respect to claims 7-20, Nelson et al. disclose the invention as claimed including The portable diagnostic device of claim 1, wherein the diagnostic module is configured for analyzing information received from the external source of information in a predetermined sequence (see e.g. col. 3, lines 62-67 and col. 4, lines 1-5), the input device includes an input device selected from the group consisting of a keypad, a mouse, a trackball, and a touch screen, the display screen includes a display screen selected from the group consisting of an LCD display screen, a passive matrix display screen, and a TFT active matrix display screen. (see e.g. col. 12, lines 13-37), a power source located within the housing and coupled to the processor (see e.g. Fig.4, item 114), a radio frequency transceiver located within the housing and coupled to the processor, an antenna originating within the housing and protruding therefrom (see e.g. col. 11, lines 52-55), a modem located within the housing and coupled to the processor

Art Unit: 2863

(see e.g. col. 10, line 3), a speaker, a microphone located within the housing and coupled to the processor (see e.g. col. 6, lines 37-39), a memory device, a volatile memory, a random access memory, a non-volatile memory, an electrically erasable programmable read only memory. (see e.g. Figs. 2, item 76, Fig. 4, item 108).

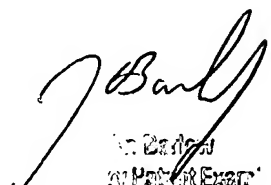
With respect to claims 22-30, the limitations of these claims have been noted in the rejection above. They are therefore consider rejected as set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo
11/17/05


John Barlow
Patent Examiner
Electronic Business Center 2863